IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.499 OF 2003

Goldfilled Mercantile Company ..Appellant.

Vs.

Jamnadas Murlidhar Jaisingh & Ors...Respondents.

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Mr.D.D.Madan, Senior Advocate i/b M/s. Kishore Thakordas & Co. for the Appellant.

Mr.M.M.Vashi for the Respondents.

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CORAM : DR.D.Y.CHANDRACHUD, J.

12th December, 2005.

P.C. :

By consent taken on Board.

On 6th August, 2003 an ad interim order was passed in terms of prayer clauses (a) and (b) of Civil Application 542 of 2003. Prayers (a) and (b) read thus :

"(a) that pending the hearing and final disposal of the Appeal, the Respondents be restrained by an Order and Injunction of this Hon'ble Court from in any manner carrying out any construction on the disputed property bearing C.T.S. No.483 and C.T.S. No.477 at Village Chakala, Taluka Andheri, Mumbai;

(b) that pending the hearing and final disposal of the Appeal, the Respondents by themselves, their servants and agents be restrained by an Order and Injunction of this Hon'ble Court from in any manner alienating, encumbering, transferring or creating third party rights or selling or disposing of or parting with possession of the disputed property or any part or portion thereof."

The ad interim order has continued to hold the field for more than two years and the Motion is pending before the Trial Court for final disposal. In the circumstances, on the request of the learned counsel for the parties, the ad interim order dated

6th August, 2003 is continued as an ad interim order pending the disposal of the Motion. The ad interim order shall continue to remain in operation pending the disposal of the Motion. The Learned Trial Judge is requsted to hear and dispose of the Motion expeditiously within a period of eight weeks from the date on which a certified copy of this order is produced before him. The Trial Court shall dispose of the Motion on merits uninfluenced by these observatons which are only confined to the disposal of the Appeal against the ad interim order. The Appeal from Order is accordingly disposed of.